

SUMMARY OF WATER SYSTEM EMERGENCY REPAIR/IMMINENT THREAT PROJECTS

September 16, 2019

SHITIKE CREEK WATER MAIN CROSSING

1. Repair of the Shitike Creek Water Main Crossing was completed under budget and within the schedule established. (100% funded by TRIBES)
2. Removal of failed surge relief valve of the SE Valving Station was completed under budget and within the schedule established. (100% funded by TRIBES)
3. Campus Area Water Main Repair was completed under budget and within the schedule established. (100% funded by TRIBES)

PRV/FLOW CONTROL STATION REPAIR

1. Replacement of pressure reducing valves and related elements have been substantially completed for two stations (Industrial Park, and Catholic Church) under budget and within the schedule established. Electrical work scheduled for these stations will be completed in late September, but remaining tasks are not significant for day-to-day operation; this work will enable easier monitoring in the future. (100% reimbursement request from HUD Imminent Threat Grant)
2. Refurbishment of pressure reducing valves and related elements was substantially completed for two stations (Greely Heights and West Hills) under budget and within the schedule established. Electrical work scheduled for these stations will be completed by late September, but the remaining tasks are not significant for day-to-day operation; this work will enable easier monitoring in the future. (100% reimbursement request from HUD Imminent Threat Grant)
3. Replacement of the George Street valving and related items was completed for the low flow line under budget and within the established schedule. The completion of the high flow line, expected to be under budget, is scheduled by late September when specialized parts arrive, at the same time the additional station listed in the next item will be undertaken. Electrical work scheduled for these stations will be completed in late September, but the remaining tasks are not significant for day-to-day operation; this work will enable easier monitoring in the future. (100% reimbursement request from HUD Imminent Threat Grant)
4. Replacement of valving and related items in SE Station and the Kah-Ne-Ta Station is scheduled in late September when parts arrive. (100% reimbursement request from BIA)

EPA EMERGENCY ADMINISTRATION ORDER

1. EPA issued an Emergency Administrative Order listing the steps and process to address the drinking water issues experienced by the TRIBES over the past two+ years. These required elements include an engineering report, as well as the design and construction of improvements at the Dry Creek Water Treatment Plant. EPA provided no funding to implement the required report and improvements. Work on three of the required projects (SCADA System Upgrades, Raw Water Screen Repair, and Finished Water Pumps) are funded by BIA and HUD. The balance of the projects funding requirements may be from

State of Oregon Lottery Funds appropriation to Warm Springs Tribes for water distribution infrastructure projects.

ENGINEERING SUPPORT

1. The Indian Health Service (IHS) in-kind assistance is planned to be used for technical review and inspections.
2. In order to address the EPA Emergency Administrative Order within the timeframe required in the Order and to meet the requirement for a report signed by a licensed engineer, it is recommended to engage Project Delivery Group (PDG) to prepare the required engineering report.
3. Based on system familiarity and an understanding of the Tribes procedures it is recommended that PDG be engaged to complete the tasks required to address the EPA Administrative Order and implement the projects funded by HUD and BIA in 2018. This will allow the Public Utility staff to be available for operations and maintenance responsibilities.

AVAILABLE FUNDS

1. HUD Imminent Threat Grant and BIA Grant funds were received in May 2018 and staff has not had the resources to implement the related projects due to the frequency of system emergency issues. The projects funded by these grants are listed on the attached spreadsheet. This total is \$870,000 (including in-kind technical assistance from IHS).
2. The W.S. Tribes have submitted a HUD Imminent Threat grant application on August 19, 2019 to request funding from HUD and BIA for the emergency repair of the PRV/Flow Control Stations at seven (7) locations. The request for \$450,000 in HUD Imminent Threat funds is being processed and a request for approximately \$254,000 was requested from BIA as emergency funding on August 9, 2019.
3. The design, inspection, and the additional cost of unfunded elements required by EPA Emergency Administrative Order will be addressed in the EPA required engineering report.
4. EPA will provide funds (up to \$25,000) for support of operating training to optimize current water treatment plant operation and the integration of repairs.
5. Non-discretionary funds for engineering support to be requested from Oregon Community Foundation.
6. United States Department of Agriculture (USDA) has two funding programs the Tribes may make grant applications for replacing aged infrastructure and drinking water meters in the Downtown Campus areas and other Agency residences and businesses. The Federal USDA Section 306 C WW , Native American Water and Wastewater disposal grants can be matched for up to \$2 million maximum per project. Also. WWD grants application can be made for up to \$ 1 million dollars in combination with loan.
7. Federal Economic Development Administration (EDA) grant application for infrastructure and economic development for up to \$ 3 million and creating current CEDS (2020-24) document for up to \$50,000.

Warm Springs Wastewater Sub-group Report September 16, 2019

Participants: Alyssa Macy, Chico Holliday and Travis Wells, Confederated Tribes of Warm Springs; Annette Liebe, Regional Solutions Coordinator, Office of Governor Kate Brown; Matt Mathia and Carolyn Meece, Business Oregon; David Wallis, Rural Community Assistance Corp.; Anthony Barber and Kris Carre, US Environmental Protection Agency; Bruce Irwin, Confederated Tribes of Warm Springs; Sam Goldstein, US Department of Agriculture, Rural Development; Chris Watson and Corrina Miller, Warm Springs Community Action Team; Brian Haug, BIA; David Boyd, US HUD.

Background:

Currently the Tribes manage four wastewater systems on the reservation including two facultative lagoon systems located in Simnasho and Sunnyside. Additionally, the Tribes have the Warm Springs Wastewater Treatment Facility (NPDES Permit No. OR-003263-8) and the Kah-nee-ta Wastewater Treatment Facility (NPDES Permit No. OR 003410-0). The Kah-nee-ta system only discharges to the river in the winter months from October-March. There are three wastewater lift stations at Composite Products, Deschutes Crossing and the Museum at Warm Springs which are the only pressurized wastewater collection systems, the rest is by gravity flow.

Estimated costs related to this infrastructure are:

- 1) Warm Springs Treatment Plant - \$658,500 (tentative; likely needs more expensive re-build)
 - Planning, engineering/design needed here
- 2) Kah-nee-ta Plant/Lagoon Systems - \$2,940,960 (this cost reflects the resort being open)
 - Planning, engineering/design needed here
- 3) Sunnyside Lagoon Systems - \$1,063,181
- 4) Simnasho Lagoon Systems - \$582,000 (tentative)

There are also sewer and water projects in the downtown campus area (pending action by the BIA) and industrial park (EDA grant pending, \$1.4M).

EPA is the issuing agency for the two NPDES permits for the Warm Springs and Kah-nee-tah wastewater treatment plants. These permits are currently scheduled for reissuance in 2021. Both permits are currently administratively extended. There are also Administrative Orders on Consent (AOC) for both of these facilities.

Sub-group discussion:

The workgroup discussed the relationship between the water system and the capacity needs of the wastewater facilities. Because there does not appear to be enough information to determine future capacity needs, the work group identified the need for the water system to be repaired first so that the WWTPs could be sized appropriately.

EPA committed to reviewing existing engineering and design studies to determine what else may be needed to support permit renewal.

The Community Action Team also mentioned that it might be good to talk with the Alaska Native Tribal Health Consortium about how they were able to secure buy in for a fee structure.

Funding Secured:

- 1) The Oregon legislature approved \$7.8 M of lottery bond proceeds for water and wastewater infrastructure. Of this, \$1.3M is dedicated to Wastewater treatment.

- 2) IHS \$2,246,000 with \$335,000 tribal match.
The proposed improvements are recommended to improve the Warm Springs plant's capacity for compliance with the EPA permit. This project was added to the Tribes SDS list with IHS for 2019.
- 3) IHS \$1,063,181 - Project will provide a new 2-acre lagoon cell (Sunnyside), relining of the existing western cell, conversion of the eastern cell to an evaporation and controlled percolation cell, installation of sewer main and required appurtenances, and improvements to the existing access road to allow for year-round st access. START 2020.

Additional Funding opportunities:

- A. Facilities Planning
 - 1) USDA RD – has small amount of grant funding for planning related activities (\$30,000 max; requires match).
 - 2) Business Oregon has technical assistance/planning grants up to \$20,000.
 - 3) Administration for Native Americans, US Health and Human Services.
 - 4) US HUD needs to be tied to affordable housing; (Indian CDBG, Indian Housing block grant).
 - 5) US EPA, Tribal set-aside program. Grants for planning and design. Potential projects are scored and ranked on SDS, and typically administered in conjunction with IHS.
- B. Infrastructure financing
 - 1) Business Oregon - grant/loan combination packages for infrastructure. Requires rate structure and resolution of outstanding issues with existing loan.
 - 2) USDA RD - tribal set aside grants and loans. Outstanding issues need to be resolved with outstanding loans (e.g. administrative issues, service reviews, financials need to be provided).
 - 3) US Economic Development Administration - (grant request for \$1.4M for industrial park infrastructure pending).
 - 4) Oregon Department of Environmental Quality – Clean Water State Revolving Loan Fund, low interest wastewater loans with potential for some principal forgiveness.
 - 5) Rural Community Assistance Corp – loans up to \$200,000.
 - 6) US EPA – Tribal set-aside program. Grants. Potential projects are scored and ranked on SDS, and typically administered in conjunction with IHS. Can fund project administration and construction.
 - 7) US EPA – WIFIA loan guarantee program. Loans for 35 years for up to 49% of a project cost.

Recommended next steps:

- 1) Address water system leaks
- 2) Explore and implement measures to reduce inflow and infiltration
- 3) Establish a rate structure
- 4) Planning, engineering and design for Warm Springs and Kah nee ta Wastewater Treatment Plants
- 5) Define improvements for Simnasho lagoon

Dry Creek Landfill Meeting Summary from Tuesday, July 23

Attendees: Russ Graham, Wilson Wewa, Tony Barber, Ken Marcy, Rick McMonagle, Mike Boykin, Richard Mednick, Sam Goldstein, Bob Schwartz, Greg Svelund

First area of need is state of repair, equipment and trucks; tribe has spent tens of thousands already this year on maintenance, weekly equipment failures.

The transfer stations have become unstaffed and open landfills/dumping stations. Hazardous materials are open and leaking.

Illicit activity and illegal chemicals being dumped at transfer stations/HHW drop off sites. All sites contaminated and going to environment.

Funding/Ideas for Equipment/Vehicles

- A portion of the VW settlement funds has set aside for tribes for diesel upgrades and EPA has shared information on that grant process with the tribe
- Explore used vehicles from other federal agencies that still have life (Department of Defense, etc.)
- Retrofitting GSA trucks

Funding/Ideas for Transfer Stations

- EPA offered to do site characterization (possible removal) and is awaiting written request from tribe (need access restrictions, signage, enforcement, fencing, other assurances on protection of site, etc. happen again before working)
- USDA Rural Development has loans for transfer station upgrades
- Brownfields Redevelopment funding dollars for cleanup/characterization
- Integrated planning grant through Business Oregon
- USDA Rural Development Solid Waste Grants <https://www.rd.usda.gov/files/fact-sheet/RD-FactSheet-RUS-SolidWasteMgmtGrants.pdf>

Funding/Ideas for Transfer Station to replace landfill

- Goal is for a full service transfer station with HHW, recycling, solid waste drop off, etc. This would be a new location. Tribe is looking to ultimately haul solid waste, possibly to The Dalles.
- USDA Grant Program for regional transfer station. Regional Solid Waste Management Grant could provide TA and future solid waste planning funds. Applications taken annually.

Closure and Remediation

- US Rural Development Solid Waste Grants (see above link)
- Tribe interested in Brownfields funding post-closure for redevelopment (solar project, for example)

Notes/Concerns

- Tribe is concerned about liability for tribal owned businesses if the EPA conducts site characterization; talks happening about how/whether that liability would be waived, though EPA has indicated they would not enforce against the tribe depending on what is found. This probably extends to tribal owned businesses but nothing is in writing yet. Suggestion that a tribal on scene coordinator be appointed to the site in the event that remediation occurs.
- Tribe will acquire new roll of truck in December through tribal funding. Tribe is also working on acquiring more trucks through the VW settlement.
- Tribe is looking at closure of Dry Creek landfill in the existing 10-year plan.

HOUSING SUBCOMMITTEE REPORT

Prepared by Sarah Lindsley, 9/16/2019

The Housing Subcommittee met twice since the June 12 Summit. We have developed the following **Options** for consideration by the Tribes and the Warm Springs Housing Authority, as well as several **Obstacles** that should be addressed to smooth the way for next steps.

OPTIONS

Permanent Supportive Housing

The Warm Springs Housing Authority (WSHA) and CTWS jointly applied to participate in Oregon Housing and Community Services Permanent Support Housing (PSH) Pilot program. Permanent Supportive Housing (PSH) combines housing that is affordable to those at extremely low incomes with wraparound support services; it is a proven model for housing communities' most vulnerable people, who may not otherwise be able to maintain stable housing. If the Warm Springs team is selected, they will join an intensive training and technical assistance cohort to create PSH development and operational teams ready to deliver PSH, and they will have the opportunity to apply for rental assistance, development capital and service funding from a pool of \$20 million.

Housing Rehabilitation and New Construction

1. USDA-Rural Development's 533 Housing Preservation Grant funds can be used for repair and rehabilitation of The Hamlets. Assuming that CTWS maintains ownership of The Hamlets, WSHA can apply for the Housing Preservation Grant, and can act as the construction contractor to complete the rehabilitation and repair. The grant would require rent restrictions and income limits to ensure that the housing remains affordable for low-income households.
2. AmeriCorps NCCC is a resource for labor for both rehabilitation and construction of low income housing units. AmeriCorps NCCC provides a team of young adults ages 18-24, who would reside onsite for 6-12 weeks, with oversight by their team leader. WSHA and/or CTWS would need to provide housing and technical supervision during this period of service.
3. HUD's Indian Housing Block Grant and Healthy Homes Production Grant for Tribal Housing are options for WSHA and CTWS that can be used to support housing rehabilitation and new construction.
4. Low Income Housing Tax Credits, administered by OHCS, can be used for new construction.

OBSTACLES

1. WSHA has a verbal commitment from Meyer Memorial Trust to fund a comprehensive housing plan, but their proposal to MMT is on hold pending more information about the new water system.
2. A financial audit finding from HUD made WSHA ineligible to apply for the HUD Indian Housing Block Grant competitive funding this year. Although CTWS is still eligible to apply for funds from HUD, resolving this audit finding would give WSHA the ability to apply directly to HUD.
3. Lack of staffing capacity for grant-writing. Adding staff with grant-writing capacity and/or training existing staff in grant-writing would help alleviate this barrier.

Sustainable Community Planning, Community Outreach, and Capacity Building Subcommittee Report

The subcommittee has met three times since the 6/12/19 Summit. It has developed the following **Menu of Options** for the Tribes' consideration:

Menu of Options

Sustainable Community Planning Options

1. The Warm Springs Tribe may consider eligibility to participate in the EDA Planning Partnership grant program. Economic Development Administration and Central Oregon Intergovernmental Council can assist in identifying and working with the tribe to meet eligibility requirements.
2. Warm Springs Tribe may consider applying for the following planning and technical assistance activities through Business Oregon:

Program	Description	How To Apply	Timing
Water/Wastewater Financing Program - Technical Assistance (Engineer)	Technical Assistance grants (up to \$20K) to hire and engineer to scope out and prioritize drinking water and wastewater infrastructure investments.	Contact Carolyn Meece at (503) 704-1311 or Carolyn.Meece@oregon.gov	Available
Sustainable Infrastructure Planning Projects	\$20K forgivable loans for drinking water project feasibility and other eligible activities.	Contact Carolyn Meece at (503) 704-1311 Carolyn.Meece@oregon.gov or download application online and submit to Carolyn.	Applications due 9/15, 12/15, and 3/15.

Staffing and Administrative Capacity

1. Warm Springs Tribe may apply for a \$20K project management grant through the Business Oregon Water/Wastewater Financing Program to complete state and/or federal grant application paperwork and to manage subsequent contracts with engineers for any drinking water or wastewater related projects. In addition, Business Oregon Brownfields Redevelopment Fund integrated planning and technical assistance grants could include capacity building assistance.
2. If the Tribe is interested and with funding (fee-for-service model), the Central Oregon Intergovernmental Council (COIC) could serve as a fiscal sponsor and/or grant administrator for grants. COIC could also provide grant writing support.
3. A current Indian Health Service contract can remotely assist grant writers with technical questions and language.
4. If the Tribe is interested and with funding, PSU has a Fellows program which could place an 8-month fellow at Warm Springs to support development needs. Cost is 43K.

Community engagement:

1. The Tribe may consider requesting AmeriCorps VISTA members, who serve full time for one year to build capacity to alleviate poverty; they would be especially well-suited for community outreach (needs assessments, public meeting support, developing outreach materials, etc.)
2. If the Tribe is interested, IHS can connect Warm Springs with other tribes (Big Pine, White Mountain Apache) who have gone through the process of adding meters and fees to their utility
3. Ford Family Foundation may be interested in supporting community engagement around water usage, water infrastructure and toward developing a fee structure should the Tribe wish to move forward with these activities. This funding could be paired with a community engagement contract. Ford's technical assistance grants could possibly support travel for a meeting between Warm Springs and tribes already implementing a fee structure. Ford's Institute for Community Building may also be interested in funding radio station outreach.

Updates

The Warm Springs Community Action Team is conducting a two-year economic study that looks across subjects, funded by NW Area Foundations. There will be community engagement throughout this study. Also, the study involves identifying and organizing plans completed previously.